IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 23RD AUGUST 2007 / 1ST BHADRA 1929

WP(C).No. 13851 of 2007(Y)

PETITIONER:

K.M.SARA, AGED 55,
W/O.ELIAS, LADY HEALTH INSPECTOR,
PRIMARY HEALTH CENTRE, ERATTUPETTA,
KOTTAYAM DISTRICT.

BY ADV. SRI.V.B.PREMACHANDRAN
SRI.P.K.SIVADASAN NAIR
SRI.K.N.GOVINDANKUTTY MENON

RESPONDENTS:

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1. THE KOTTAYAM GOVERNMENT EMPLOYEES'
CO-OPERATIVE SOCIETY LTD.NO.47,
REPRESENTED BY SECRETARY, KOTTAYAM-2.

2. THE MEDICAL OFFICER,
PRIMARY HEALTH CENTRE,
ERATTUPETTA.

3. D.MADHUSOODHANAN NAIR,
HOSPITAL ATTENDANT GRADE-I,
DIST.GOVT. HOSPITAL, KOTTAYAM.

4. SALIAMMA KURUVILA,
HEALTH INSPECTOR, PRIMARY HEALTH CENTRE,
EDAYAZHAM, VAIKOM.

BY ADV. SRI.K.GOPALAKRISHNA KURUP, SC FOR R1
GOVT. PLEADER SRI..P.K.RAVIKRISHNAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 TRUE COPY OF THE NOTICE DTD. 5-1-06 ISSUED BY THE FIRST RESPONDENT TO THE PETITIONER.

EXT.P2 TRUE COPY OF THE NOTICE DTD. 6-12-06 ISSUED BY THE FIRST RESPONDENT TO THE 2ND RESPONDENT.

/True copy/

PA to Judge.

K.M.JOSEPH, J.

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WP.(C) No. 13851 of 2007

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Dated this the 23rd day of August, 2007

JUDGMENT

Petitioner challenges Exts. P1 and P2. She seeks a direction to the first respondent to recover the amount due from respondents 3 and 4 from their salary. According to the petitioner, she and respondents 3 and 4 have taken loans to the tune of Rs.50,000/- from the first respondent, for which they stood as guarantors for each other. According to the petitioner she has paid the entire loan amount. But the third respondent has not paid the amount. At the time of filing of the writ petition, the petitioner was continuing in service. She retired on 30.4.2007. It is stated that the amount is sought to be recovered from the petitioner and Rs. 60,000/- is demanded.

2. Learned counsel for the first respondent Sri. Gopalakrishna Kurup submits that the third respondent is on leave without allowance and therefore recovery against her is not possible. Petitioner is admittedly a surety for the loan taken by the third respondent.

Having regard to the liability of the petitioner as surety, I cannot see any ground to give any direction. The writ petition is dismissed.

(K.M. JOSEPH, JUDGE)

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